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State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Oil, Gas and Mining

JOHN R. BAZA
Division Director

September 30, 2013

Kevin Butters,
CE Butters Realty and Construction Inc.
760 North Harrisville Road
Harrisville, Utah 84404

Subject: Deficient Notice of Intention to Commence Small Mining Operations, CE Butters Realty and Construction Inc., The Hideout Turnaround Project Mine, S/005/0004, Cache County, Utah

Dear Mr. Butters:

The Division has reviewed the referenced Notice of Intention to Commence Small Mining Operations (NOI), and the following items will need to be addressed before the NOI can be determined complete:

1. In Section I, item 8, please remove the comment that the site is not a mine but a road project.
2. In Section II, item 3.b., please remove the comment, "technically none since it's a road and turn around."
3. In Section III, item 3, please include units for 8100.
4. The Division denies the variance request in Section V. Please remove this request from the NOI. The material being mined does not meet the definition of sand, gravel, or rock aggregate.

Please provide your response as replacement pages to the original NOI, using Form MR-REV-SMO/EXP, available on the Division's web site at www.ogm.utah.gov.

The Division recognizes that the applicability of the minerals rules to this site is under appeal, so these deficiencies only apply if an NOI is needed.

Please call Lynn Kunzler at 801-538-5310 or me at 801-538-5261 if you have questions regarding this letter. In reply, please refer to file number S/005/0004. Thank you for your cooperation.

Sincerely,

Paul B. Baker
Minerals Program Manager

PBB: eb

Cc: Chris Harrild, Cache County (chris.harrild@cachecounty.org)

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